

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DESTINY MONIQUE CLARK,

Plaintiff,

v.

KILOLO KIJAKAZI,

Defendant.

Case No. 1:21-cv-01022-CDB (SS)

ORDER GRANTING DEFENDANT’S
UNOPPOSED MOTION FOR EXTENSION
OF TIME *NUNC PRO TUNC* TO RESPOND
TO PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT

(Doc. 24)

Plaintiff Destiny Monique Clark (“Plaintiff”) seeks judicial review of an administrative decision of the Commissioner of Social Security (“Defendant”) denying Plaintiff’s claim for benefits under the Social Security Act. (Doc. 1). Plaintiff filed a motion for summary judgment on December 5, 2022. (Doc. 23). Currently before the Court is Defendant’s unopposed motion for an extension of time to file a response to Plaintiff’s motion for summary judgment filed on January 19, 2023. (Doc. 24).¹

Defendant filed the unopposed motion for an extension of time on the due date for his filing of the response to Plaintiff’s motion for summary judgment. *Id.* Requests for extensions of time in the Eastern District of California are governed by Local Rule 144, which provides: “Counsel

¹ Defendant’s unopposed motion is miscaptioned “Sacramento Division.”

1 shall seek to obtain a necessary extension from the Court or from other counsel or parties in an
2 action as soon as the need for an extension becomes apparent.” L.R. 144(d). As the Court
3 advised the parties in the Scheduling Order: “Requests for modification of this briefing schedule
4 will not be routinely granted. ... A request for a modification brought on the filing deadline, will
5 be looked upon with disfavor.” (Doc. 14).

6 Here, given Counsel for Defendant’s representations about the reasons Defendant seeks an
7 extension of time, “to seek settlement authority” (Doc. 24-2 at 2), it should have become apparent
8 before the due date for filing the response to summary judgment motion that such an extension
9 was needed, and, hence, under Local Rule 144, Defendant was required to file his current request
10 for extension of time before now.

11 The Court disfavors granting *nunc pro tunc* relief and directs Defendant to exercise better
12 care in anticipating any future requests for extensions of time and filing such requests well before
13 the terminal filing date that Defendant seeks to extend. However, under the circumstances,
14 Defendant has demonstrated good cause for the extension.

15 Accordingly, for the reasons set forth in Defendant’s unopposed motion and for good cause
16 shown, IT IS HEREBY ORDERED:

- 17 1. Defendant shall file any response to Plaintiff’s Motion for Summary Judgment on or
18 before February 20, 2023;
- 19 2. No further extension will be granted without a timely-filed request by one or both
20 parties supported by a showing of good cause.

21 IT IS SO ORDERED.

22 Dated: January 20, 2023

23 
UNITED STATES MAGISTRATE JUDGE